

## BYLAW NO. 12 – 2022 TOWN OF VEGREVILLE

THIS BYLAW NO. 12-2022 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL THE USE AND OPERATION OF PARKS AND/OR OPEN PUBLIC SPACES WITHIN THE TOWN OF VEGREVILLE.

WHEREAS, pursuant to the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property;
- (c) people, activities and things in, on or near a public place or a place that is open to the public; and
- (d) the enforcement of bylaws;

AND WHEREAS, Parks and Open Space Areas are provided by the Town and made available for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, enjoyment, and benefit of all persons under the conditions contained within this Bylaw;

AND WHEREAS, the Town of Vegreville operates Parks described in Schedule "B" attached to this Bylaw;

NOW THEREFORE the Council of the Town of Vegreville, in the Province of Alberta, duly assembled, enacts as follows:

### 1. SHORT TITLE

- 1.1 This Bylaw shall be known as the **Parks and Open Spaces Bylaw**.

### 2. DEFINITIONS

- 2.1 **Activity** means the actions or behaviours of a person in a Park and/or Open Space Area. These actions or behaviours may be planned and organized or spontaneous in nature and refers to anything taking place in a Park and/or Open Space Area.
- 2.2 **Athletic Facility** means an outdoor playing surface or structure owned or operated by the Town and made available to the public by a formal agreement, Open Space Permit, or drop in spontaneous use. This may include, but is not limited to:
- (a) Cycling facilities;
  - (b) Skate parks;
  - (c) Courts used for volleyball, tennis, basketball, pickleball;
  - (d) Fields used for soccer, football, baseball, rugby, disk sports, track and field, cricket, lacrosse; and
  - (e) Outdoor rinks, boarded and leisure ice surfaces.
- 2.3 **Bicycle** means any cycle propelled by human muscular power on which a person may ride regardless of the number of wheels that the cycle may have.

- 2.4 **Business Activity** means any Activity where the primary purpose is making a profit.
- 2.5 **Camp** or **Camping** means the act of locating of, erecting of or use of a Camping Accommodation Unit for the provision of sleeping accommodation and includes sleeping overnight or any portion thereof in the open air.
- 2.6 **Campground** means a park designated as a site on which daytime or overnight Camping is permitted.
- 2.7 **Camping Accommodation Unit** means
- (a) A Tent;
  - (b) A Trailer;
  - (c) A Tent Trailer;
  - (d) A motorhome or recreational Vehicle used for sleeping accommodations;
  - (e) A van or bus;
  - (f) A truck camper; or
  - (g) Any other object or thing used for Camping or accommodation purposes that is erected, placed, or constructed within a park or Campground.
- 2.8 **Campsite** means a designated, assigned, or allotted Campsite in a Park or Campground as an individual Campsite under this Bylaw.
- 2.9 **CAO** means the Chief Administrative Officer of the Town of Vegreville.
- 2.10 **Council** means the municipal Council of the Town of Vegreville.
- 2.11 **Explosives** means any device or material able to or likely to shatter violently, burst apart or react violently in a chemical nature including incendiary devices and firecrackers.
- 2.12 **Firearms** means any Firearm or imitation Firearm, including but not limited to air guns, airsoft guns, sling shots, bows, crossbows, or catapults.
- 2.13 **Fireworks** means a combustible or explosive used for producing a striking display of light and/or a loud noise, and is often, but not always used as a celebration. This also includes any pyrotechnic displays.
- 2.14 **Municipal Ticket** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act* RSA 2000, cM-26, as amended, for the purposes of notifying a person that an offence has been committed for which a prosecution may follow.
- 2.15 **Natural Area** means Town owned or managed land that is either left in its naturally occurring state or is landscaped and maintained in a manner that attempts to return it to, or emulate, a naturally occurring state for reasons due to aesthetic, environmental, economic, or practical considerations.
- 2.16 **Off-Highway Vehicle** means an Off-Highway Vehicle as defined in the Off-Highway Vehicle Regulation AR139/2002 and amendments thereto.
- 2.17 **Open Space Permit** means the written permission, in a form approved by the CAO, to undertake an Activity on an Open Space Area that is otherwise regulated, restricted or prohibited by this Bylaw. This would include rental contracts, lease agreements, licenses, written permission, event approvals or any other form of permission required.

2.18 **Open Space Area** means any of the following:

- (a) Any land in the Town which is owned, developed, used, leased, controlled or managed by the Town as a Park, Athletic Facility, Natural Area, Campground, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the Town which are jointly controlled or managed by the Town and an Education Authority for any of the purposes previously described;
- (b) Any reserve land acquired by the Town through the subdivision process or otherwise;
- (c) Any land used as a highway buffer strip, whether on a permanent or temporary basis;
- (d) Any land designated by resolution of Council as an Open Space Area for the purposes of this Bylaw;
- (e) Any land developed by the Town as part of a Pathway system;
- (f) Any land developed by the Town as a part of its storm water drainage system, including, but not limited to, Storm Water Management Facilities, naturalized ponds, bio swales, ditches, and drainage channels;
- (g) Any land owned, developed, used, leased or managed by the Town as an off-leash dog park;
- (h) All exterior areas including lawns, plazas, landscaped areas and parking areas of all Town owned or operated facilities that are made available for the public to use for a recreational or social purpose;

2.19 **Park** means a designated public space controlled by the Town identified in Schedule "B."

2.20 **Park Attendant** means a person under contract by the Town to manage the operation of a designated park.

2.21 **Pathway** means any constructed and maintained multiple-use trail.

2.22 **Pathway User** means any person travelling on a Pathway and will include, but is not limited to Persons walking or jogging, or persons using Bicycles, scooters, roller blades, skateboards, Segway, sleds, toboggans, skis, Wheeled Conveyance, or similar device.

2.23 **Peace Officer** means a Community Peace Officer as appointed under the authority of the Peace Officers Act Chapter P3.5 RSA 2006, a Bylaw Enforcement Officer in the employ of the Town of Vegreville or a member of the Royal Canadian Mounted Police.

2.24 **Permit Holder** means the person that has applied for and received an Open Space Permit and/or is responsible for the Activity associated with the Open Space Permit.

2.25 **Public Land** means lands within the Town of Vegreville, held by the Town under licence of ownership or occupation, or under the Town's management and control and includes public buildings, service buildings, pavilions, or other structures on such lands.

2.26 **Tent** means a portable and collapsible shelter made from canvas, cloth, synthetic or similar materials and supported by a pole, poles, or ropes and includes a structure formed by a pliable membrane that achieves and maintains its shape and support by internal air pressure.

2.27 **Town** means the Town of Vegreville.

- 2.28 **Trailer** means a Vehicle designed to be attached to or drawn by another Vehicle, and includes any Vehicle designed, constructed, or equipped to be used by a person as living quarters or a sleeping place either permanently or temporarily including, but not limited to, Tent Trailers and fifth wheels.
- 2.29 **Vehicle** has the same meaning as defined in the *Traffic Safety Act* R.S.A. 2000, Chapter T-6.
- 2.30 **Violation Ticket** means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act* RSA 2000, cP-34, as amended.
- 2.31 **Waste** means anything that is discarded.
- 2.32 **Wheeled Conveyance** means any human powered or electric motorized Vehicle with a maximum power of 500 watts, as designated by the CAO to be permitted on a Pathway but does not include any Vehicle with an internal combustion engine.

### 3. APPLICATION/GENERAL

- 3.1 This Bylaw shall apply to all Parks and Open Spaces within the Town of Vegreville, subject however, to the exceptions provided in any statute of the Province of Alberta or any agreement entered into by the Town affecting any Parks and Open Space Areas or part thereof.
- 3.2 A person who enters a Park and/or Open Space Area must comply with:
- (a) This Bylaw and each of the provisions herein; and
  - (b) Any lawful orders and instructions made or issued pursuant to this Bylaw; and
  - (c) The instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices
- 3.3 Council may:
- (a) Subject to the *Highway Traffic Act*, and *Municipal Government Act* control and prohibit the movement of vehicular, pedestrian, and other traffic by means of signs and notices designated and erected by them; and
  - (b) Designate and erect other signs and notices governing and prohibiting activities that are provided for in the *Municipal Government Act* or this Bylaw.
- 3.4 A person using a Park and/or Open Space Area must keep the land and improvements in a condition satisfactory to the Park Attendant.
- 3.5 A person vacating the Park and/or Open Space Area must restore the land to a clean and tidy condition.
- 3.6 If a nuisance allegedly exists on any site which is the subject of a permit, a Park Attendant or a Peace Officer may (in addition to, or without, issuing a warning or charging the person causing the nuisance with an offense) order the person causing the nuisance to abate or discontinue the nuisance, and the person must forthwith abate or discontinue the nuisance.
- 3.7 Where a person fails to comply with an order made pursuant to subsection 3.6, the Park Attendant or Peace Officer may, (in addition to, or without, issuing a warning, or charging the person with an offense) take whatever steps are necessary to abate or have discontinued the nuisance, and such action must be taken at the expense of the person in default.

**4. AUTHORITY**

- 4.1 The CAO shall have general supervision, and charge and control of the management, operations and developments within all Parks and Open Space Areas in accordance with the policies adopted by Council.
- 4.2 The CAO has the authority at any time to develop rules and regulations that affect Activities in Park Areas.

**5. PUBLIC ACCESS**

- 5.1 The CAO may establish hours of operation for Parks and/or Open Spaces Areas.
- 5.2 The CAO may temporarily close a Park and/or Open Space Area or any part thereof to public use.

**6. OPEN SPACE PERMITS**

- 6.1 Persons may carry out any Business Activity in a Park and/or Open Space Area otherwise restricted or prohibited by this Bylaw provided that:
  - (a) An Open Space Permit has been issued and payment, if required, is received by the Town for such a Business Activity;
  - (b) The Permit Holder conforms to the terms and conditions as described in their Open Space Permit;
  - (c) The Activity is confined to the area designated by the Town for such Business Activity;
  - (d) The Permit Holder acquires any other permits or approvals required to conduct the Business Activity in advance of the Activity;
  - (e) The Open Space Permit is available for inspection at the request of a Peace Officer during the Business Activity allowed under said Open Space Permit; and
  - (f) The Permit Holder does not contravene any term or condition contained in an Open Space Permit issued as per this Bylaw.
- 6.2 A person must not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- 6.3 When considering any request for an Open Space Permit or permission to carry out any Business Activity in an Open Space Area, the CAO will have regard to:
  - (a) The protection and preservation of Open Space Areas including any Developments;
  - (b) The health, safety and well-being of persons in the Open Space Areas;
  - (c) The peaceful enjoyment of Open Space Areas by members of the public; and
  - (d) Any other factors they deem relevant or in the best interests of the Town,

and may in the CAO's sole discretion refuse to issue an Open Space Permit or issue an Open Space Permit with or without conditions, provided that the CAO does not deny or refuse a request solely on the basis of the content of any speech, written materials or other expressive Activity being proposed, as long as that expression complies with all applicable laws.

**7. ADMISSIONS**

- 7.1 No person shall enter any part of an Open Space Area to which access is prohibited by either Sign or by notice provided on the Town website.
- 7.2 No group or person or business shall charge for services, entry, Activity, or programs or for admission to Parks unless they have the appropriate permit.
- 7.3 No person shall interfere with or disrupt a Business Activity for which an Open Space Permit has been issued.

**8. BUSINESS ACTIVITIES**

- 8.1 In any Park and/or Open Space Area, unless a person has obtained permission from the CAO, no person shall:
  - (a) Place or erect any signs or hand out any brochures for the purpose of advertising;
  - (b) Use any public address system for advertising; and
  - (c) Conduct any business activities.

**9. CONDUCT**

- 9.1 No person, group or organization shall interfere with the right of others to the quiet and peaceful enjoyment of a Park and/or Open Space Area.
- 9.2 No person, group or organization shall disturb others by:
  - (a) Fighting;
  - (b) Using insulting or obscene language or gestures;
  - (c) Commit any disorderly or lascivious conduct of any kind in any Park and/or Open Space Area;
  - (d) Engage in any Activity that is likely to lead to a breach of peace or disrupt the peaceful use and enjoyment of other persons using the Park and/or Open Space Area; or
  - (e) Be intoxicated when they enter or remain in any Park or Open Space Area.
- 9.3 No person shall consume liquor or cannabis in any Park and/or Open Space Area unless:
  - (a) That person is a registered guest at the Vegreville Municipal Campground and within their campsite; or
  - (b) They have a permit for a designated facility and that they have received the appropriate permit and Provincial Liquor License for the date and time specified; and
  - (c) That the person is a minimum of eighteen (18) years old.
  - (d) Despite Section 9.3 (a) and (b), an adult may consume liquor within the Elk's/Kinsmen Park at a designated picnic area where signage is posted in accordance with Section 89(2) of the *Alberta Gaming, Liquor and Cannabis Act*.

9.4 No person while in a Park and/or Open Space Area shall:

- (a) Deface, injure, or destroy any object, whether such object is created by natural means or otherwise;
- (b) Cut, break, bend or in any way damage or deface any turf, tree, shrub, hedge, plant, flower, or park ornament;
- (c) Damage, deface or tamper with any buildings, plumbing, heating, light fixtures, walls, fences, gates, benches, or playground equipment;
- (d) Walk, stand, or sit on any flower bed;
- (e) Walk upon any lawn or garden where signs are posted prohibiting persons from so doing;
- (f) Dig in the earth to plant and/or remove any tree, plant, shrub, or any equipment of any kind that is fixed or growing thereon; or
- (g) Install any object.

9.5 Waste Disposal

- (a) No person shall deposit liquid or solid Waste matter in a Park and/or Open Space Area except in a receptacle or area provided for that purpose.
- (b) No person shall bring commercial or residential Waste or recycling matter into a Park and/or Open Space Area for disposal.
- (c) No person shall dispose of Waste in areas in a Park and/or Open Space Area where Waste disposal receptacles or areas are not provided. Such Waste must be carried out of the area for proper disposal.

9.6 No person shall carry or discharge a Firearm in a Park and/or Open Space Area.

9.7 No person shall carry or discharge any Fireworks or Explosives of any description in, onto or across Parks and/or Open Space Areas unless they have the appropriate permit.

9.8 No person who has been removed from a Park and/or Open Space Area pursuant to Section 9 of this Bylaw shall, within the specified timeframe indicated by the CAO, enter or attempt to re-enter any Park and/or Open Space Area.

9.9 No person shall enter or remain in a Park and/or Open Space Area where travel or access restrictions have been imposed under this Bylaw.

**10. FIRES**

10.1 No person shall set, light, or maintain a fire in a Park and/or Open Space Area except in a fireplace, pit or other facility provided for that purpose.

10.2 No person shall leave a fire unattended or allow it to spread.

10.3 No person shall deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than a stove, fire pit or other place provided for that purpose.

10.4 A person who lights a fire shall extinguish all fires, hot coals, and smoldering materials before leaving them.

- 10.5 No person shall set, light, or maintain any fire in a Park and/or Open Space Area while a municipal fire ban is in force.
- 10.6 No person shall set, light, or maintain a fire in all or any part of the Park and/or Open Space Area where a sign or notice prohibits the same.
- 10.7 No person shall remove or cause to be removed, unpaid firewood from a Park and/or Open Space Area.
- 10.8 No person shall move, or cause to be moved, a fireplace, pit, stove, or other facility designated for burning a fire.

## 11. WATER

- 11.1 A person must not enter a river, lake, or pond, in or adjacent to a Park, including by means of a watercraft, from a Park unless it is at a site designated by the CAO.
- 11.2 A person must not operate a watercraft in any lake, or pond in a Park and/or Open Space Area unless the watercraft is:
- (a) An approved vessel provided by the Town on Elk's Pond in Elk's Kinsmen Park;
  - (b) A human-powered watercraft on Rainbow Pond in Rainbow Park, and includes belly boat, inflatable dinghy, kayak less than twelve (12) feet in length (3.6 metres), canoe less than seventeen (17) feet in length (5.2 metres), and row boat less than twelve (12) feet in length (3.6 metres), but excludes all other types of human-powered watercraft; or
  - (c) A toy or small-scale model boat.
- 11.3 Shore fishing is permitted at Elk's Pond in Elk's/Kinsmen Park without a valid Provincial Fishing License if:
- (a) a person is sixteen (16) years of age, or younger; or
  - (b) a person is sixty-five (65) years of age, or older.

## 12. ICE

- 12.1 No person shall:
- (a) Skate except on approved areas designated by the Town;
  - (b) Make holes or ice fish on any body of water except for Rainbow Park Pond;
  - (c) Make an ice fishing hole that exceeds 12 inches in diameter between the top and bottom of the ice; or
  - (d) Use an ice boat or ice windsurfer on any water body.

## 13. PATHWAYS

- 13.1 All Pathway Users must:
- (a) Share the Pathways with all other Pathway Users;
  - (b) Keep to the right of centre except:
    - (i) When passing other Pathway Users travelling in the same direction; and



- (ii) When turning left off of the Pathway onto an intersecting road or Pathway.
- (c) Not exceed a speed of 20 kilometres per hour;
- (d) Exercise due care and attention, having due regard for safety of other Pathway Users on Pathways;
- (e) Warn others by voice, bell, horn or other audible signal when passing;
- (f) Yield the right-of-way to faster moving Pathway Users and oncoming traffic; and
- (g) Not operate a motorized Vehicle except an approved Wheeled Conveyance.

13.2 While using a Pathway, a person operating a Bicycle or Wheeled Conveyance between sunset and sunrise, a person must ensure their Bicycle or Wheeled Conveyance is equipped with a forward-facing white light, and rear red reflector.

13.3 Despite subsection 13.2, a person may wear a forward-facing white light and rear red reflector on their body if the equipment will not fit on Bicycle or Wheeled Conveyance.

#### 14. VEHICLES

14.1 No person shall, within a Park and/or Open Space Area, operate or ride an Off-Highway Vehicle (OHV) or any other such specialized means of conveyance;

14.2 Subsection 14.1 does not apply to any Vehicles required by handicapped persons.

14.3 No person shall operate or park a Vehicle, motor Vehicle, boat, Trailer, or Camping Accommodation Unit in a Park and/or Open Space Area other than on designated roadways or in areas designated for the purpose of parking.

14.4 A Park Attendant or a Peace Officer may prohibit the entry of a Vehicle or motor Vehicle into any part of a Park.

##### 14.5 Abandoned Vehicles

- (a) In this section "abandoned" means left standing in a Park and/or Open Space Area for more than seventy-two (72) consecutive hours unless:
  - (i) A licence, permit or other similar authorization has been received from the Park Attendant or Peace Officer.
- (b) If a Vehicle, motor Vehicle, Off-Highway Vehicle, aircraft, boat, Trailer, equipment, appliance, article, or object:
  - (i) Is abandoned; or
  - (ii) Remains in an area after the authorization to be in that area expires; or
  - (iii) Is located in a prohibited area; a Park Attendant or a Peace Officer may order the owner, operator or person in charge of the object to move the object to a location determined by the Park Attendant or a Peace Officer and within a period of time determined by the Park Attendant or a Peace Officer.
- (c) Where the owner, operator, or person in charge of the object fails to comply with the order of a Park Attendant or a Peace Officer under Subsection (b), a Peace Officer may move the object or cause it to be moved and stored at a location determined by the Peace Officer.

- (d) Where a Peace Officer moves or stores an object or causes it to be moved or stored under this section, the cost of doing so:
  - (i) Shall be payable by the owner of the object; or
  - (ii) Constitute a lien on the item; and
  - (iii) May be recovered from the owner in an action for debt; and
  - (iv) Must be paid before the object is released to the owner, operator, or person in charge of it.
- (e) Property stored pursuant to the foregoing, and which remains unclaimed for a period of six (6) months from the date it was stored, shall be considered abandoned by the owner and may be disposed of as the Town deems appropriate.

## 15. CAMPGROUNDS

### 15.1 No person shall:

- (a) Camp on any Public Land in the Town of Vegreville except in the designated Campground unless authorized by permit by the Town of Vegreville.
- (b) Climb on any building, structure, or equipment within a Campground unless it is designed specifically for the purpose of climbing.
- (c) Build or erect a structure, whether permanent or temporary, within a Campground without permission from the Park Attendant.
- (d) Set up any form of temporary abode except in an area designated by the Town for this Activity.
- (e) Enter any undeveloped or Natural Area other than on a trail.
- (f) Enter any area to which access has been prohibited or regulated by signage or fencing or other barricade.
- (g) Move, remove, or alter any signage or fencing or other barricade prohibiting or regulating access to any area, without permission from the CAO or their designate.
- (h) Remove potable water from the Campground for purposes other than Camping use.
- (i) Cause, permit, or allow any other person under their control to do anything prohibited by this Bylaw.
- (j) Cause, permit, or allow any livestock owned by him/her or under their control to be in such a Campground, except in areas temporarily designated and approved by the CAO for such livestock and the owner must be responsible for cleaning up or picking up the Animal's bodily feces, straw, hay, or any other Waste that may be left behind.
- (k) Cause, permit, or allow any dog or cat to be in any Campground unless said dog or cat is on a leash at all times and the owner must be responsible for picking up the dog or cat feces.
- (l) Modify any land in a way that is reasonably likely to cause injury to another person or damage to property.

### 15.2 Campground reservations must be made online, by-phone, or on a first come, first-served basis.

- 15.3 All Campers are required to register and to pay the rate charge set out in the Fees and Charges Bylaw.
- 15.4 A Camping permit shall be deemed to have been issued upon payment of the rate charge.
- 15.5 The following Vehicles and Camping Accommodation Units are permitted to be kept in a single Campsite unless a Park Attendant gives written permission to the contrary:
- (a) One Vehicle;
  - (b) One Vehicle and one Camping Accommodation Unit;
  - (c) One Vehicle and one Camping Accommodation Unit and one Tent;
  - (d) Two Vehicles;
  - (e) Two Vehicles and one Tent; or
  - (f) Two Vehicles and one Tent and one Camping Accommodation Unit.
- 15.6 Group use sites must be determined by the CAO or Park Attendant.
- 15.7 Quiet hours are in effect from 11:00 p.m. to 7:00 a.m. every day.
- 15.8 Visitation hours are in effect from 7:00 a.m. to 11:00 p.m. every day.
- 15.9 No Animals, including dogs and cats, are permitted in the shower/washrooms.
- 15.10 The speed limit in the Campground is 20 kilometres per hour.
- 15.11 Campsites must be kept neat and tidy at all times.
- 15.12 The CAO, a Peace Officer, and/or the Park Attendant may use their discretion to refuse admittance or cancel a Camping permit to any patron(s) and request patron(s) vacate the Campground if found to be in contravention of any section or part of this Bylaw.
- 15.13 On expiry or cancellation of a Camping permit, the Permit Holder must vacate the Campsite and remove all shelter equipment and other property and ensure the site is left in a clean and orderly manner. Equipment or other property left, abandoned or unoccupied on an unpaid individual Campsite for more than 7 days shall be removed and disposed of by the Town.

## 16. EXEMPTIONS

- 16.1 The employees, servants, agents, permit holders, and/or lease holders of the Town of Vegreville while acting in the course of their employment or duties are exempt from the provisions of this Bylaw.
- 16.2 The employees, servants and agents of an Education Authority that are engaged in maintenance, repair or similar types of work taking place on or in a Park and/or Open Space Area that is associated with a school are exempt from the provisions of this Bylaw.
- 16.3 The CAO may provide a permit for exceptions to any Bylaw for special events, functions or unique circumstances. Persons applying for any exceptions must have the permit with them at all times and be able to present them to any authority when the exception is taking place.

## 17. OFFENCES AND PENALTIES

- 17.1 A party who fails to comply with:
- (a) Hours of operation for a Park and/or Open Space Area or any part thereof;

- (b) The temporary closure of a Park and/or Open Space Area or any part thereof;  
or
- (c) The restrictions, rules, or regulations regarding the use of Parks and/or Open Space Areas

Established by the CAO pursuant to this Bylaw is guilty of an offence; provided, however, that a failure to comply with any of subsections (a) – (c) herein shall not constitute an offence unless the CAO has posted a Sign stating the requirement in a location that is, in the opinion of the CAO, visible to users of the Park and/or Open Space Area in question or the CAO has provided notice via the Town's website.

17.2 A person is a party to and guilty of an offence who:

- (a) Actually commits the offence;
- (b) Aids or abets a person in the commission of an offence; or
- (c) Counsels or procures a person to commit an offence.

17.3 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" to this Bylaw.

17.4 Notwithstanding Schedule "A" of this Bylaw, any person who commits a Second or Subsequent Offence under this Bylaw, where the Second or Subsequent fine is not otherwise specified in Schedule "A", is liable on summary conviction to double the fine set out in Schedule "A" to this Bylaw, for that offence.

17.5 A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A", and not exceeding \$5,000.00.

17.6 Nothing in the Bylaw shall be construed to curtail or abridge the right of the Town to prosecute an action for damages by reason of injuries suffered to any Open Space Area resulting from the contravention of any of the provisions of this Bylaw, or any other Town Bylaw or provincial statute.

## 18. ENFORCEMENT

18.1 Each Peace Officer is hereby charged with the duty of enforcing this Bylaw.

18.2 A Peace Officer is hereby authorized and empowered to issue a Municipal Ticket to any person who is believed on reasonable and probable grounds to have contravened any provisions of this Bylaw.

18.3 A Municipal Ticket shall be deemed to have been sufficiently served if:

- (a) Served personally upon the accused;
- (b) Mailed to the last known address of the registered owner of the motor Vehicle concerned; or
- (c) Attached or left upon the motor Vehicle or property in respect of which the offence is alleged to have been committed.

18.4 A Municipal Ticket shall be in a form approved by the Town, and must state:

- (a) The name of the person;
- (b) The offence;

- (c) The appropriate penalty for the offence as specified in this Bylaw;
- (d) The due date at which time the penalty is required to be paid; and
- (e) Any other information as may be required by the Town.

18.5 Where a Municipal Ticket has been issued to a person pursuant to this Bylaw, the person to whom the ticket has been issued to may in lieu of prosecution of the offence, pay the Town the specified penalty set out on the Municipal Ticket by the due date listed on the Municipal Ticket.

18.6 In those cases where a Municipal Ticket has been issued and the penalty specified on the Municipal Ticket has not been paid within the prescribed time, a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedures Act* RSA 2000, c. P-34, as amended.

18.7 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket pursuant to either Part II or Part III of the *Provincial Offences Procedures Act* RSA 2000, c. P-34, as amended.

18.8 If a person has been prosecuted for the offence specified in the Violation Ticket and has been convicted of such, then the fine imposed must not be less than the original amount indicated on the Violation Ticket.

18.9 In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the onus of proof that the actions giving rise to the charge were previously authorized by the Town shall lie upon the person charged.

18.10 In the prosecution of an alleged contravention of any of the provisions of this Bylaw, the onus of proof that the Park and/or Open Space Area upon which the contravention or contraventions are alleged to have occurred are not lands protected by this Bylaw shall lie upon the person charged with the offence.

18.11 A Park Attendant or a Peace Officer may cancel a Camping permit without prior notice to the Permit Holder if the Permit Holder or his guest contravenes this Bylaw.

18.12 A person whose permit has been cancelled under Section 21.11, and all other persons Camping or visiting with him, shall vacate the Park within one (1) hour from having been requested to do so by a Park Attendant or a Peace Officer. The holder of a cancelled permit must ensure that the Campsite is vacated and that all shelter equipment and other property belonging to him or persons in his group is removed.

18.13 A person whose permit has been cancelled under Section 21.11, forfeits all monies that have been already paid for that permit, and shall not receive a refund.

## 19. SEVERABILITY

19.1 Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed, and the remainder provisions must remain valid and enforceable.

## 20. REPEAL

20.1 The following Bylaws are hereby repealed:

- (a) Bylaw # 06-93 Parks Bylaw
- (b) Bylaw # 07-93 Amending Parks Bylaw
- (c) Bylaw # 08-2013 Campground Bylaw
- (d) Bylaw # 06-2016 Amending Campground Bylaw

**21. EFFECTIVE DATE**

21.1 This Bylaw shall come into effect upon third and final reading.


READ for a first time this 27<sup>th</sup> Day of June , 2022 A.D.

READ for a second time this 27<sup>th</sup> Day of June , 2022 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 27<sup>th</sup> Day of June , 2022 A.D.

  
TIM MACPHEE, Mayor

  
CHRISTOPHER LEGGETT, CAO

**BYLAW XX-2022  
SCHEDULE "A"**

**PARKS AND OPEN SPACES BYLAW – FINES AND PENALTIES**

	<b>Description</b>	<b>First Offence</b>	<b>Second Offence*</b>	<b>Third Offence*</b>
6.2	Provide false information – Open Space Permit application	\$100	\$250	\$500
7.1	Enter an Open Space Area where prohibited	\$100	\$250	\$500
7.2	Charge for services without the appropriate permit	\$100	\$250	\$500
7.3	Disrupt/Interfere with a permitted open space activity	\$100	\$250	\$500
8.1	Conduct business activities without an Open Space Permit	\$100	\$250	\$500
9.1	Disturb the peace	\$100	\$250	\$500
9.2	Disturb others	\$100	\$250	\$500
9.3	Consume liquor or cannabis in a non-designated Park or Open Space Area	\$100	\$250	\$500
9.4	Cause property damage –Park	\$100	\$250	\$500
9.5	Dispose Waste in a Park	\$100	\$250	\$500
9.6	Carry/Disarm a Firearm in a Park or Open Space	\$1,000	\$2,500	\$5,000
9.7	Carry/Discharge fireworks/explosives in a Park	\$100	\$250	\$500
9.8	Refuse to leave after being directed to do so	\$100	\$250	\$500
9.9	Enter an area of a Park where prohibited	\$100	\$250	\$500
10.1	Set/Light/Maintain a fire without proper containment	\$100	\$250	\$500
10.2	Leave a fire unattended/Allow fire to spread	\$100	\$250	\$500
10.3	Fail to deposit/dispose of burning or smoldering materials	\$100	\$250	\$500
10.4	Fail to extinguish fire or smoldering materials	\$100	\$250	\$500
10.5	Set a fire during a municipal fire ban	\$100	\$250	\$500
10.6	Set a fire where prohibited by signs or notices	\$100	\$250	\$500
10.7	Remove unpaid firewood from a Park	\$100	\$250	\$500
10.8	Relocate fireplace, pit, stove, etc.	\$100	\$250	\$500
11.1	Enter a non-designated waterway in a Park (Person or watercraft)	\$100	\$250	\$500
11.2	Operate a prohibited watercraft in a designated waterway	\$100	\$250	\$500
11.3	Fishing where prohibited	\$100	\$250	\$500
12.1	Inappropriate conduct on ice	\$100	\$250	\$500
13.1	Inappropriate behaviour on a pathway	\$100	\$250	\$500
13.2/13.3	Operate a bicycle or wheeled conveyance without proper reflectors	\$100	\$250	\$500
14.1	Operate an OHV within a Park or Open Space Area	\$100	\$250	\$500
14.3	Operate or park a vehicle in a Park	\$100	\$250	\$500
14.5	Abandoned vehicle	\$100	\$250	\$500
15.1 (a)	Camp on Public Land	\$100	\$250	\$500
15.1 (b)	Climb on building/structures/equipment	\$100	\$250	\$500
15.1 (c)	Build structure (permanent/temporary)	\$100	\$250	\$500
15.1 (d)	Set up a temporary abode	\$100	\$250	\$500
15.1 (e)	Enter any undeveloped or Natural Area	\$100	\$250	\$500
15.1 (f)	Enter an area where prohibited by sign or barricade	\$100	\$250	\$500

15.1 (g)	Move signs or barricades without permission	\$100	\$250	\$500
15.1 (h)	Remove potable water from Campground	\$100	\$250	\$500
15.1 (i)	Cause/permit/allow another person to contravene this Bylaw	\$100	\$250	\$500
15.1 (j)	Cause/permit/allow livestock in a Campground unless temporarily permitted	\$100	\$250	\$500
15.1 (k)	Allow pets to run at large in Campground	\$100	\$250	\$500
15.1 (l)	Modify any land causing injury to people or property	\$100	\$250	\$500
15.3	Fail to register	\$100	\$250	\$500
15.5	Excessive Vehicles or Camping Accommodation Units	\$100	\$250	\$500
15.7	Excessive noise during Quiet hours	\$100	\$250	\$500
15.8	Visitation outside of permitted Visitation hours	\$100	\$250	\$500
15.9	Animals in public showers/washrooms	\$100	\$250	\$500
15.10	Speed in excess of 20km/hr in Campground	\$100	\$250	\$500
15.11	Unkept campsite	\$100	\$250	\$500

***\*Second or Third Offences shall be considered a reoccurring offence within 365 days of conviction for the First Offence.***



BYLAW XX-2022  
SCHEDULE "B"

PARKS AND OPEN SPACES BYLAW – Designated Parks

<b>Alex Horvat Park</b>	53.485, -112.046 <b>42 Avenue &amp; 46 Street</b>
<b>Elk's/Kinsmen Park (Pysanka Park)</b>	53.491, -112.035 <b>4500 Pysanka Avenue</b>
<b>Foxview Park</b>	53.503, -112.056 <b>59 Avenue &amp; 54 Street</b>
<b>Kinette Community Park</b>	53.501, -112.040 <b>4522-57a Avenue</b>
<b>Lion's Club Community Spray Park</b>	53.492, -112.053 <b>4910-47 Avenue</b>
<b>Rendezvous Park</b>	53.494, -112.052 <b>50 Avenue &amp; 50 Street</b>
<b>Rainbow Park</b>	53.474, -112.057 <b>Yellowhead Highway &amp; Range Road 150</b>
<b>Sunrise Park</b>	53.502, -112.036 <b>59 Avenue &amp; 44a Street</b>
<b>Veteran's Park</b>	53.490, -112.054 <b>4922-45 Avenue</b>
<b>North Circle Drive Park</b>	53.501, -112.043 <b>58a Avenue &amp; 48 Street</b>
<b>45b Avenue Park</b>	53.492, -112.061 <b>45b Avenue &amp; 52 Street</b>
<b>48 Avenue Park</b>	53.496, -112.063 <b>48 Avenue &amp; 54 Street</b>
<b>49<sup>th</sup> Street Park</b>	53.483, -112.054 <b>49 Street Cul-de-Sac</b>
<b>58 Avenue Park</b>	53.501, -112.048 <b>58 Avenue &amp; 49a Street</b>